

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY AYIOMAMITIS,

Plaintiff,

- against -

PURCH GROUP, INC.

Defendant.

Docket No. 1:18-cv-6023

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Anthony Ayiomamitis (“Ayiomamitis” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Purch Group, Inc. (“Purch” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of the colored sky from the Eyjafjallajokull volcano, owned and registered by Ayiomamitis , a professional photographer. Accordingly, Ayiomamitis seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Ayiomamitis is a professional photographer in the business of licensing his photographs to online and print media for a fee having a usual place of business at Agapis 2, Nea Palatia-Oropou Attiki 19015, Greece.

6. Upon information and belief, Purch is a foreign business corporation with a place of business at 11 West 42 Street, New York 10036. At all times material, hereto, Purch has owned and operated a website at the URL: www.LiveScience.com (the “Website”).

STATEMENT OF FACTS

A. Background and Plaintiff’s Ownership of the Photograph

7. Ayiomamitis photographed the colored sky from the Eyjafjallajokull volcano (the “Photograph”). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Ayiomamitis is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with the United States Copyright Office and was given registration number VA 2-054-866.

B. Defendant’s Infringing Activities

10. Purch ran an article on the Website entitled *Iceland Volcano’s Fiery Sunsets*. See <https://www.livescience.com/12834-iceland-volcano-fiery-sunsets.html#>. The article prominently featured the Photograph. A true and correct copy of the article is attached hereto as Exhibit B.

11. Purch did not license the Photograph from Plaintiff for its article, nor did Purch have Plaintiff’s permission or consent to publish the Photograph on its Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST PURCH)
(17 U.S.C. §§ 106, 501)

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Purch infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Purch is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Purch have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Purch be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph;

3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded pre-judgment interest; and
5. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
July 2, 2018

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